

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

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| BEST MEDICAL INTERNATIONAL, INC.<br><br>Plaintiff,<br><br>vs.<br><br>ACCURAY, INC., a corporation;<br><br>Defendant. | Case No. 2:10-CV-1043 (TFM) |
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**ACCURAY INCORPORATED'S MOTION  
FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Defendant Accuray Incorporated ("Accuray") respectfully moves the Court for leave to file documents under seal. In support of its motion, Accuray states the following:

1. On December 17, 2012, in response to a confidential request from the parties for detailed information concerning the Special Master's invoice dated October 15, 2012, the Court ordered Special Master Gale R. Peterson to submit detailed billing records sufficient to evaluate the reasonableness of the total fees in the Special Master's invoice (Doc. No. 160). The Court's Order stated that such records need not be filed of record (Doc. No. 160 at p. 2).
2. On December 31, 2012, in response to the Court's Order, the Special Master submitted a five-page letter brief, with five exhibits, including copies of his invoice; email communications concerning the invoices sent to the parties; sensitive billing records from the Special Master's law firm; the Special Master's expense reports and related receipts; and portions of the Special Master's curriculum vitae. The Special Master did not file this information in the public record.
3. Accuray plans to file Objections to the Special Master's Invoice ("Objections").
4. Accuray's Objections and supporting documents, including its Exhibits, contain or refer to confidential and sensitive information from the Special Master's December 31, 2012 submission, including his invoice, email communications concerning the invoices sent to the

parties; sensitive billing records from his law firm; his expense reports and related receipts; and portions of the Special Master's curriculum vitae.

5. Accuray seeks to prevent the unnecessary and potentially harmful disclosure of the Special Master's invoice, billing records, expense reports and other sensitive information submitted by the Special Master on December 31, 2012.

6. Plaintiff does not object to the filing of this motion or the relief sought.

WHEREFORE, Accuray respectfully requests that the Court enter an Order granting Accuray leave to file its Objections to the Special Master's Invoice and supporting documents under seal. A proposed Order is attached.

Dated this 16th day of January, 2013.

/s/ Kirsten R. Rydstrom

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Counsel for Defendant Accuray Incorporated

**CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2013, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Western District of Pennsylvania, using the electronic case filing system of the court. The electronic case filing system will send notification of such filing to all counsel of record. Counsel may access such document using the Court's system.

*/s/ Kirsten R. Rydstrom  
Attorney for Defendant Accuray  
Incorporated*

Dated: January 16, 2013